

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

KENNETH B. PITCHER,

Case No. 1:12-cv-215

Plaintiff,

Weber, J.

v.

Bowman, M.J.

LAWRENCE WALDMAN, et al.,

Defendants.

ORDER

On October 31, 2012, the presiding district judge referred this case to the undersigned magistrate judge in order to resolve a discovery dispute. The deadline for completion of discovery expired on August 31, 2012, and both parties recently filed cross-motions for summary judgment. (See Docs. 22, 24).

Pursuant to local practice, the parties submitted to the Court (without filing) informal correspondence regarding their discovery dispute, and the Court conducted a telephonic conference on November 6, 2012. The Court having been sufficiently advised, **IT IS ORDERED THAT:**

1. The parties and the Court agree that the parties may reopen discovery to explore the reasonableness of Plaintiff's attorney's fees, should the issue of damages remain in dispute following disposition of the cross-motions for summary judgment;
2. Defendant shall more particularly identify what line item(s) or section(s) of the

2011 corporate tax return sought from non-party Pitcher, Enders & Drohan, Inc. ("PED"), and counsel shall confer to determine whether Plaintiff is willing to respond to a more narrowly tailored request;

3. Plaintiff shall produce to Defendants a stipulation regarding the payment of attorney's fees by PED and any repayment of the same by Plaintiff, insofar as such payments relate to this lawsuit. However, Defendants are prohibited from using that stipulation for any purpose outside of this specific federal litigation, including but not limited to any ongoing state court litigation.

s/ Stephanie K. Bowman
Stephanie K. Bowman
United States Magistrate Judge